

Litigation Practice Group
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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Jose Vargas,

Plaintiff,

vs.

Radius Global Solutions, LLC.
c/o CT Corporation System
208 SO Lasalle ST, Suite 814
Chicago, IL 60604,

Defendant.

Case No.

Judge:

Court Room No.:

**COMPLAINT FOR
DAMAGES:**

**1) UNDER THE FAIR
DEBT COLLECTION
PRACTICES ACT
2) ROSENTHAL FAIR
DEBT COLLECTION
PRACTICES ACT**

Demand for Jury Trial

JURISDICTION AND VENUE

1. This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).

1 2. Venue is proper because a substantial part of the events giving rise to this claim
2 occurred in this District.

3 **PARTIES**

4 3. Plaintiff, Jose Vargas, is a resident of the State of California, in the county of Los
5 Angeles.

6 4. Plaintiff is a “consumer” as defined in the Fair Debt Collection Practices Act, 15
7 USC 1692 et seq. (“FDCPA”).

8 5. Plaintiff incurred a “Debt” as defined in the FDCPA.

9 6. Defendant, Radius Global Solutions, LLC., is a company with its principal office
10 in the State of Minnesota.

11 7. Defendant acquired the Debt after it was in default.

12 8. Defendant regularly attempts to collect, or attempts to collect, debts that it
13 acquired after the same were in default.

14 9. Defendant uses instruments of interstate commerce for its principal purpose of
15 business, which is the collection of debts.

16 10. At all times relevant, Defendant was a “debt collector” as defined in the FDCPA.

17 **FACTS COMMON TO ALL COUNTS**

18 11. On or around May 22, 2022, Plaintiff, by and through his attorneys, notified
19 Defendant that Plaintiff is represented by an attorney with respect to such debt.

20 12. Despite Defendant having prior notification and knowing that Plaintiff is
21 represented by counsel with respect to such debt, Defendant contacted Plaintiff
22 and attempted to collect on the debt at least one (1) time.

23 13. Plaintiff’s May 22, 2022, letter notified Defendant that Plaintiff wishes Defendant
24 cease further communications with Plaintiff.

25 14. Despite Defendant having notification Plaintiff wishes Defendant cease further
26 communications with Plaintiff, Defendant communicated with Plaintiff and
27 attempted to collect on the debt at least one (1) time.

28 15. Through its actions described above, Defendant violated the FDCPA.

1 16.As detailed above, by violating the FDCPA, Defendant also violated California's
2 Rosenthal FDCPA California Civil Code §1788.17.

3 17.Through its action described above, Defendant violated California's Rosenthal
4 FDCPA California Civil Code §1788.14.

5 18.Defendant actions, directly and proximately, caused Plaintiff undue stress,
6 anxiety, and confusion; thereby damaging Plaintiff.

7 19.As a direct and proximate result of Defendant's actions, Plaintiff expended time
8 and money consulting a lawyer, and/or incurred attorney fees and costs.

9 **COUNT I – VIOALTION OF FDCPA § 1692c(a)(2)**

10 20.Plaintiff incorporates all the allegations and statements made above as if reiterated
11 herein.

12 21.Defendant violated 15 USC § 1692c(a)(2) when it communicated with Plaintiff
13 after knowing the Plaintiff is represented by an attorney with respect to such debt.

14 **COUNT II– VIOLATION OF FDCPA § 1692c(c)**

15 22. Plaintiff incorporates all the allegations and statements made above as if
16 reiterated herein.

17 23.Defendant violated 15 USC § 1692c(c) when it communicated with Plaintiff at
18 least one (1) time after having notification the Plaintiff wishes the Defendant
19 cease further communications with Plaintiff.

20 **COUNT III – VIOLATION OF FDCPA § 1692e**

21 24.Plaintiff incorporates all the allegations and statements made above as if reiterated
22 herein.

23 25.Defendant violated 15 USC § 1692e when it used false and deceptive means to
24 collect on such debt by attempting to collect directly from Plaintiff after knowing
25 of attorney representation and by attempting to collect from Plaintiff after
26 notification of Plaintiff's wish it cease communications.

27 **COUNT IV – VIOLATION OF FDCPA § 1692f**

1 26.Plaintiff incorporates all the allegations and statements made above as if reiterated
2 herein.

3 27.Defendant violated 15 USC § 1692f when it used unfair or unconscionable means
4 to collect on such debt by attempting to collect directly from Plaintiff after
5 knowing of attorney representation and by attempting to collect from Plaintiff
6 after notification of Plaintiff's wish it cease communications.

7 **COUNT V – VIOLATION OF C.C.C. §1788.14**

8 28. Plaintiff incorporates each of the preceding allegations as if specifically stated
9 herein.

10 29. Defendant violated California Civil Code §1788.14 when it initiated
11 communications with Plaintiff when previously notified that Plaintiff is
12 represented by an attorney with respect to the debt.

13 **COUNT VI – VIOLATION OF C.C.C. §1788.17**

14 30. Plaintiff incorporates each of the preceding allegations as if specifically stated
15 herein.

16 31. Defendant violated California Civil Code §1788.17 when it failed to comply
17 with the provisions of Sections 1692b to 1692j of Title 15 of the United States
18 Code.

19 **JURY DEMAND**

20 32.Plaintiff demands a trial by jury.

21 **PRAYER FOR RELIEF**

22 33.Plaintiff prays for the following relief:

- 23 a. Judgment against Defendant for Plaintiff's actual damages, as determined at
24 trial, suffered as a direct and proximate result Defendant's violations of the
25 Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
26 b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's
27 violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C.
28 §1692k(a)(2)(A);

- 1 c. Judgment against Defendant for \$1,000 in statutory damages for Defendant's
2 violations of the California Rosenthal Fair Debt Collection Practices Act,
3 pursuant to California Civil Code §1788.30(b);
4 d. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and
5 costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3) and
6 California Civil Code §1788.30(c); and
7 e. Any other legal and/or equitable relief this Court deems appropriate.
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9 Date: November 11, 2022

RESPECTFULLY SUBMITTED,

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11 By: /s/ Anthony P. Diehl
12 Anthony P. Diehl, Esq.,
13 Attorney for Plaintiff
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